APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,375	07/30/1999	RONEN CHAYAT	INTL-0151-US	9363

			EXAMINER
21906	7590	07/07/2005	CANGIALOSI, SALVATORE A

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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/364,375	CHAYAT, RONEN
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 March 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,6-15,17-26 and 28-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,6-15,17-26,28-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

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1.   The following is a quotation of 35 U.S.C. ₃ 103 which forms

the basis for all obviousness rejections set forth in this Office

action:

> A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which
> the invention was made.
>
> Subject matter developed by another person, which qualifies
> as prior art only under subsection (f) or (g) of section 102
> of this title, shall not preclude patentability under this
> section where the subject matter and the claimed invention
> were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same
> person.

6.   Claims 1-4,6-15,17-26,28-30 are rejected under 35 U.S.C.

₃ 103 as being unpatentable over Petersen et al, Akhtar or

Bocking et al in view or either DeGolia, Jr. or Lockart et al.

          Regarding claim 1 Petersen et al(See Figs 6 and 9,

and claims 1-20), Akhtar(See Figs. 2 and 7 and cols. 2 and 3) or

Bocking et al(See Fig. 2, and claims 1-10) discloses a method for

transmitting packets of different types with different priorities

substantially as claimed. Note that real time data takes

precedence over non real time data, video, MPEG over data and

quality of service higher over lower priority and that the

priority of service class is implicit in the IP protocols. Note

that video data take longer to process than other control data

because of compression.   The differences between the above and

the claimed invention is specific priority assigned to security

packets. DeGolia, Jr.(See Fig. 3. and claim 12 and Col. 4, lines

30-40) or Lockart et al(See Figs. 1-4) show security packets in a

quality of service environment taking more time due to their

increased size and mathematical complexity. Note that the Public

Key encryption standard requires 1024 bits for the key space and

employed in the transmission of most credit card numbers through

the internet and thus uses more bandwidth due to its size and

more time due to its mathematical complexity. It would have been

obvious to the person having ordinary skill in this art to

provide a similar arrangement for Petersen et al, Akhtar or

Blocking et al because it is conventional and standard practice

to employ a lower priority for the more complex and more lengthy

packet because secure packets require greater precision due to

unrecoverability of the key employed if even a few bits are in

error and these components are no more than the conventional

equivalents of what is disclosed in the primary items of

evidence. Regarding the security limitations of claim 2, either

DeGolia, Jr.(See Fig. 3. and claim 12 and Col. 4, lines 30-40) or

Lockart et al(See Figs. 1-4) show security packets in a quality

of service environment taking more time due to their increased

size and mathematical complexity which are the functional

equivalents of the claim. Regarding the memory limitations of

claim 3, Bocking et al(See Col. 2, line 55) show a memory which

are the functional equivalents of the claim. Regarding the bypass

limitations of claim 4, Petersen et al(See Figs 6 and 9, and claims 1-20) and Bocking et al(See Fig. 2, and claims 1-10) disclose packet priority and Akhtar(See Figs. 2 and 7 and cols. 2 and 3) disclose real time routing which are the functional equivalents of the claim. Regarding claim 6 non-security packets processed ahead of security packets, this reads on the transition packets between a free preview of a premium video channel, e.g. HBO, and its subsequent encryption. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Petersen et al, Akhtar or Blocking et al because it is conventional and standard practice to employ a lower priority for the more complex and more lengthy packet because secure packets require greater precision due to unrecoverability of the key employed if even a few bits are in error and these components are no more than the conventional equivalents of what is disclosed in the primary items of evidence. Regarding the linking limitations of claim 7, Real time data are obviously blocks of packets which are the functional equivalents of the claim. Regarding the security limitations of claim 8, either DeGolia, Jr.(See Fig. 3. and claim 12 and Col. 4, lines 30-40) or Lockart et al(See Figs. 1-4) show security packets in a quality of service environment taking more time due to their increased size and mathematical complexity which are the functional equivalents of the claim. Regarding the header limitations of claim 9, Lockart et al (See Fig. 2) show security packet headers

that are the functional equivalents of the claim. Regarding the
authentication header limitations of claim 10, Lockart et al (See
Fig. 2) show security packet headers with authentication that are
the functional equivalents of the claim. Regarding the pointer
limitations of claim 11, Petersen et al (See element 915)
discloses a pointer which can be obviously modified by Lockart et
al that are the functional equivalents of the claim. that are the
functional equivalents of the claim. Regarding claim 13,
Petersen et al(See Figs 6 and 9, and claims 1-20), Akhtar(See
Figs. 2 and 7 and cols. 2 and 3) or Bocking et al(See Fig. 2, and
claims 1-10) discloses a means for transmitting packets of
different types with different priorities substantially as
claimed. Note that real time data takes precedence over non real
time data, video, MPEG over data and quality of service higher
over lower priority and that the priority of service class is
implicit in the IP protocols. Note that video data take longer to
process than other control data because of compression. The
differences between the above and the claimed invention is
specific priority assigned to security packets. DeGolia, Jr.(See
Fig. 3. and claim 12 and Col. 4, lines 30-40) or Lockart et
al(See Figs. 1-4) show security packets in a quality of service
environment taking more time due to their increased size and
mathematical complexity. Note that the Public Key encryption
standard requires 1024 bits for the key space and employed in the
transmission of most credit card numbers through the internet and

thus uses more bandwidth due to its size and more time due to its

mathematical complexity. It would have been obvious to the

person having ordinary skill in this art to provide a similar

arrangement for Petersen et al, Akhtar or Blocking et al because

it is conventional and standard practice to employ a lower

priority for the more complex and more lengthy packet because

secure packets require greater precision due to unrecoverability

of the key employed if even a few bits are in error and these

components are no more than the conventional equivalents of what

is disclosed in the primary items of evidence. Regarding the

security limitations of claim 14, either DeGolia, Jr.(See Fig. 3.

and claim 12 and Col. 4, lines 30-40) or Lockart et al(See Figs.

1-4) show security packets in a quality of service environment

taking more time due to their increased size and mathematical

complexity which are the functional equivalents of the claim.

Regarding the bypass limitations of claim 15, Petersen et al(See

Figs 6 and 9, and claims 1-20) and Bocking et al(See Fig. 2, and

claims 1-10) disclose packet priority and Akhtar(See Figs. 2 and

7 and cols. 2 and 3) disclose real time routing which are the

functional equivalents of the claim. Regarding the security

limitations of claim 17, Lockart et al (See Fig. 2) show security

packet headers that are the functional equivalents of the claim.

Regarding the linking limitations of claim 18, Real time data are

obviously blocks of packets which are the functional equivalents

of the claim. Regarding the security limitations of claim 19,

either DeGolia, Jr.(See Fig. 3. and claim 12 and Col. 4, lines

30-40) or Lockart et al(See Figs. 1-4) show security packets in a

quality of service environment which are the functional

equivalents of the claim. Regarding the header limitations of

claim 20, Lockart et al (See Fig. 2) show security packet headers

that are the functional equivalents of the claim. Regarding the

pointer limitations of claim 21, Petersen et al(See element 915)

discloses a pointer that are the functional equivalents of the

claim that are the functional equivalents of the claim.

Regarding the pointer limitations of claim 22, Petersen et al(See

 element 915) discloses a pointer which can be obviously modified

by Lockart et al that are the functional equivalents of the claim

that are the functional equivalents of the claim. Regarding the

pointer limitations of claim 23, Petersen et al(See element 915)

discloses a pointer which can be obviously modified by Lockart et

al that are the functional equivalents of the claim. that are the

functional equivalents of the claim. . Regarding claim 24,

Petersen et al(See Figs 6 and 9, and claims 1-20), Akhtar(See

Figs. 2 and 7 and cols. 2 and 3) or Bocking et al(See Fig. 2, and

claims 1-10) discloses a means for transmitting packets of

different types with different priorities substantially as

claimed. Note that real time data takes precedence over non real

time data, video, MPEG over data and quality of service higher

over lower priority and that the priority of service class is

implicit in the IP protocols. Note that video data take longer to

process than other control data because of compression. The

differences between the above and the claimed invention is

specific priority assigned to security packets. DeGolia, Jr.(See

Fig. 3. and claim 12 and Col. 4, lines 30-40) or Lockart et

al(See Figs. 1-4) show security packets in a quality of service

environment taking more time due to their increased size and

mathematical complexity. Note that the Public Key encryption

standard requires 1024 bits for the key space and employed in the

transmission of most credit card numbers through the internet and

thus uses more bandwidth due to its size and more time due to its

mathematical complexity. It would have been obvious to the

person having ordinary skill in this art to provide a similar

arrangement for Petersen et al, Akhtar or Blocking et al because

it is conventional and standard practice to employ a lower

priority for the more complex and more lengthy packet because

secure packets require greater precision due to unrecoverability

of the key employed if even a few bits are in error and these

components are no more than the conventional equivalents of what

is disclosed in the primary items of evidence. Regarding the

security limitations of claim 25, either DeGolia, Jr.(See Fig. 3.

and claim 12 and Col. 4, lines 30-40) or Lockart et al(See Figs.

1-4) show security packets in a quality of service environment

taking more time due to their increased size and mathematical

complexity which are the functional equivalents of the claim.

Regarding the memory limitations of claim 26, Bocking et al(See

Col. 2, line 55) show a memory which are the functional
equivalents of the claim. Regarding the header limitations of
claim 28, Lockart et al (See Fig. 2) show security packet headers
that are the functional equivalents of the claim. Regarding the
pointer limitations of claim 29, Petersen et al(See element 915)
discloses a pointer that are the functional equivalents of the
claim that are the functional equivalents of the claim.
Regarding the pointer limitations of claim 30, Petersen et al(See
 element 915) discloses a pointer which can be obviously modified
by Lockart et al that are the functional equivalents of the claim
that are the functional equivalents of the claim.

Applicants arguments filed 1/28/03 are incorrect inasmuch as
the prior art contemplates real time video which packets
inherently take more time to process although not explicitly
stated.

Examiner's Note: Although Examiner has cited particular
columns, line numbers and figures in the references as applied to
the claims above for the convenience of the applicant(s), the
specified citations are merely representative of the teaching of
the prior art that are applied to specific limitations within the
individual claim and other passages and figures may apply as
well. It is respectfully requested that the applicant(s), in
preparing the response, fully consider the items of evidence in
their entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the

prior art or disclosed by the Examiner.

Any inquiry concerning this communication should be directed

to Salvatore Cangialosi at telephone number **(571) 272-6927**. The

examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday

through Friday. If attempts to reach the examiner by telephone

are unsuccessful, the examiner's supervisor, James Trammell, can

be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

> Mail Stop Amendment
> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

or faxed to (703) 872-9306

Hand delivered responses should be brought to

> United States Patent and Trademark Office
> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

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access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER
ART UNIT 222